

Page 1 of 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
BEFORE: GARY R. BROWN, U.S. DISTRICT JUDGE

Courtroom 940  
DATE: 6/15/2023 TIME:

CASE: [Civil Cause for Telephone Pre-Motion Conference](#)  
[2:23-cv-01145-GRB-ST](#) Adams v. Quality King Distributors Incorporated

APPEARANCES: Plaintiff: David Ferguson

Defendant: **Kathryn J. Barry**

FTR: AT&T 3:00-3:20

**Motion for:**

[view5](#)

**MOTION to Dismiss for Failure to State a Claim by Quality King Distributors Incorporated**

Case called.

- ☒ Counsel for all sides present.
- ☒ Pre-motion conference held.
  - ☐ Parties to meet and confer and submit a schedule within 2 weeks.
  - ☐ Motion Schedule set. Motion served by:  
Response served by:  
Reply and all papers filed by:
- ☐ Discovery to proceed while motion is pending. Parties to contact Magistrate Judge assigned to the case to schedule an Initial Conference.
- ☒ Motion argued.
- ☒ The Court deems the motion made.
- ☒ Other: For the reasons set forth on the record, the complaint is dismissed without prejudice to amending. Plaintiff has 30 days from today to file an amended complaint.
- ☐ The parties are to submit order on notice to all parties.
- ☐ Settlement discussed. [Choose an item.](#)
- ☐ Jury Selection and trial set for:  
Joint pretrial order due by:

Page 2 of 2

\*\* To obtain a copy of the transcript counsel should contact the ESR department in Central Islip at (631) 712-6030. Instructions and forms for requesting a transcript can be found at <https://www.nyed.uscourts.gov/> under the *Court Information* tab.\*\*